



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,487	08/31/2000	Derrick Bell	SOFT-01002US2 SRM/SBS sbs	4809
23910	7590	04/08/2005	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			POND, ROBERT M	
		ART UNIT	PAPER NUMBER	
		3625		

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/653,487	BELL ET AL.
	Examiner	Art Unit
	Robert M. Pond	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 December 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 and 39-70 is/are pending in the application.  
 4a) Of the above claim(s) 26-38 and 71-73 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-25 and 39-70 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 August 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I Claims 1-25 and 39-70 in the reply filed on 13 December 2004 is acknowledged. Claims 26-38 and 71-73 were withdrawn.

### ***Response to Amendment***

Claims (1-25 and 39-70) were examined in this final office action.

### ***Response to Arguments***

Applicant's arguments filed 28 July 2004 have been fully considered but they are not persuasive.

OrderManager teaches a) customizing the user interface to meet a company's specific look-and-feel requirements (please see Items: W and X), and b) delivery of specially-tailored features (please see Item: X).

Modules may be added or as suggested-removed (please see Items: W and X). Specifically, organizations can start with web-based procurement then later "unlock" capabilities to launch a Web selling channel (please see Item: W, page 2). Please note: it is a business decision by a company selling software such as OrderManager to either a) sell add-on modules separately for future integration

(please note: a second set of business modules), or charge an additional fee to access a module previously integrated into the software.

Tech Data teaches locating a sales office nearby- Brazil is more nearby to someone living in Argentina than in the United States. The point being, providing a customer convenience by adding more data to narrow down “nearby” is an exercise in practicing prudent business practice.

The Examiner believes there is ample motivation to remove business functionality with the teachings of OrderManger- companies expand or contract, change business strategies, venture into new markets, or abandon markets. Under these old and well known business conditions, what company desiring to remain competitive wants to continue consuming computing resources for software they no longer need? As a convenience to the Applicant, the Examiner is identifying (Bernardo et al., US 6,185,587) and (Ross, Jr. et al., US 6,629,135) for review. Bernardo discloses a system and method for building a web site with automated help. Bernardo features templates for modules, customization at the module level for look-and-feel, and discloses adding and removing modules comprising a web site by using check boxes (see at least Fig. 5). Ross teaches individual storefront creation by one of a plurality of merchants participating in an affiliate commerce relationship. Each affiliate can have look-and-feel features separated for other affiliates.

The Applicant’s claimed subject matter regarding an assess module for Claim 47 is overly broad. Cited prior art reads on the claim. Additional prior art is

identified for the Applicant's convenience and review describing: collaborative filtering (Jacobi US 6,064,980) and customer profiling (Jacobi US 6,317,722) as known prior art techniques for assessing customer needs and making personal recommendations.

The Applicant's claimed subject matter regarding a finance module for Claim 47 is overly broad. Cited prior art reads on the claim providing finance functionality by arranging a line of credit (please note: at least two scenarios, cash or credit, were evaluated at some point to arrive to a decision to seek a line of credit). Additional prior art is identified for the Applicant's convenience and review: credit card charging in lieu of funds transfer (Dent et al. US 6,128,603) and a financing module to evaluate conservation scenarios for cost of utilities (Johnson US 5,758,331).

The Applicant's claimed subject matter regarding a finance module for Claim 47 is overly broad. Cited prior art reads on the claim providing loyalty building. Providing customer-specific pricing and promotions are customer loyalty building actions.

For the above reasons, the Examiner respectfully disagrees with the Applicant's arguments pertaining to dependent claims relying upon the arguments of their respective parent claims as noted above.

*Official Notice (regarding well within the skill)- Claims 14 and 15*

The Applicant did not traverse the examiner's assertion of well within the skill on its merit but relied upon the arguments pertaining to the parent claim. The

common knowledge, well-known, or well within the skill statement is taken to be admitted prior art because applicant failed to traverse or adequately traverse the examiner's assertion of official notice (MPEP 2144.03(C)).

*Official Notice (regarding well within the skill)- Claim 43*

The Applicant did not traverse the examiner's assertion of well within the skill on its merit but relied upon the arguments pertaining to the parent claim. The common knowledge, well-known, or well within the skill statement is taken to be admitted prior art because applicant failed to traverse or adequately traverse the examiner's assertion of official notice (MPEP 2144.03(C)).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**1. Claims 1-2, 7-9, 11-13, 21-23, 25, 39, 41, and 44-46 are rejected under 35 USC 102(b) as being anticipated by OrderManger (a collection of prior art describing OrderManger cited in Paper #3, PTO-892, Items: W-X).**

OrderManger teaches all the limitations of Claims 1-2, 7-9, 11-13, 21-23, 25, 39, 41, and 44-46. For example, OrderManger discloses OrderManger application server for extranet commerce that transforms traditional order processing into a complete electronic channel. OrderManger discloses linking supply chain partners, resellers, and customers to information in the company-user's back office systems (Item: X, page 6). OrderManger further discloses:

- *Business modules provide function*: see system diagram for self-describing functionality provided to a user (e.g. User Enrollment) (Item: X, page 8).
- *Company-user selects modules*: add new capabilities (Item: X, page 7); modular “add-on” business functionality for commerce web sites supporting evolving business requirements, selecting “add-on” modules and optional “add-on” modules (e.g. product configurator) to support incremental phase-in of functionality over time (please note examiner's

interpretation: “add-on” modules are independent from other “add-on” modules that are optional, the combination of “add-on” and optional “add-on” comprise the total set of business modules available) (Item: W, page 2).

- Each module associated with templates; generic web pages: implement “as is” or fit to specific business model (Item: X, page 7); see system diagram (e.g. HTML templates) (Item: X, page 8); user interface template (Item: W, page 2).
- Look and feel: use “as is” or enhance the standard product features by adding new capabilities (Item: X, page 7); offers an optional enhanced product configurator that helps users to pick the right products to build a complementary grouping of inter-connected items, and the new version supplies a second, standard “out-of-the-box” user interface template giving enterprises two very different options for branding the “look and feel” of their application while still offering the option for a full customization (Item: W, page 2).
- Web interface: inherent in the system as disclosed in OrderManger is the displaying of information on a user’s web browser in response to user requests via the user’s web browser.

Pertaining to Claims 39, 41, and 44-46

Method claims are rejected based on the same rationale as noted above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 3-6, 16-17, and 20 are rejected under 35 USC 103(a) as being unpatentable over OrderManger (a collection of prior art describing OrderManger cited in Paper #3, PTO-892, Items: W-X), in view of Tech Data (a collection of prior art describing Tech Data's extranet, Paper #3, PTO-892, Items: U-V).**

**Locate module**

OrderManger teaches all the above as noted under the 102(b) rejection and teaches a) conducting business up and down the supply chain using an extranet, and b) implementing business module functionality (e.g. catalog search, order/account management) (Item: X, page 8), but does not disclose a module to identify a sales location. Tech Data teaches an Internet website that allows computer resellers to shop online and place orders using Tech Data's extranet (Item: U, see at least page 1). Tech Data further teaches providing sales locations (e.g. Brazil, France) (see Item: V, pages 1 and 2). Therefore it would have been obvious to one of ordinary skill at time of the invention to modify the system of OrderManger to provide sales location functionality as taught by Tech

Data, in order to assist customers in finding a sales location, and thereby increase sales revenue.

At Least one of: Site Builder Module

OrderManger teaches all the above as noted under the 102(b) rejection and teaches a) conducting business up and down the supply chain using an extranet, b) implementing business module functionality, and c) providing a third-party front end (Item: X, page 8), but does not disclose a site builder module. Tech Data teaches all the above as noted under the 103(a) rejection and teaches creating a web site for a reseller connected to Tech Data's extranet and providing the reseller's "look and feel" (e.g. reseller logo) (Item: U, see at least page 2). Therefore it would have been obvious to one of ordinary skill at time of the invention to modify the system of OrderManger to provide site builder functionality as taught by Tech Data, in order to assist partners in connecting to an extranet, and thereby increase sales revenue.

Loyalty module; Personalized buying opportunity

OrderManger teaches all the above as noted under the 102(b) rejection and teaches a) conducting business up and down the supply chain using an extranet, b) providing business module functionality, and c) making it easier for resellers and customers to buy (Item: X, page 7), but does not disclose a loyalty module. Tech Data teaches all the above as noted under the 103(a) rejection and teaches the reseller receiving discounts and promotions specific to the reseller, and further teaches the reseller, through its extranet web site, offering each customer

personalized buying opportunity services (e.g. different pricing and different promotions for each customer) (Item: U, page 2). Therefore it would have been obvious to one of ordinary skill at time of the invention to modify the system of OrderManger to provide loyalty functionality as taught by Tech Data, in order to attract and keep resellers and customers, and thereby sustain or increase sales revenue.

3. **Claims 10 and 24 are rejected under 35 USC 103(a) as being unpatentable over OrderManger (a collection of prior art describing OrderManger cited in Paper #3, PTO-892, Items: W-X).**

*Subtracting business functionality*

OrderManger teaches all the above as noted under the 102(b) rejection and teaches a) modular “add-on” business functionality for commerce web sites supporting evolving business requirements, and b) selecting “add-on” modules and optional “add-on” modules (e.g. product configurator) to support incremental phase-in of functionality over time (please note examiner’s interpretation: other “add-on” modules are independent from “add-on” modules that are optional, the combination of “add-on” and optional “add-on” comprising the total set of business modules available) (Item: W, see at least pages 1-2). OrderManger, however, does not disclose subtracting business functionality. It would have been obvious to one of ordinary skill in the art at time of the invention to facilitate the removal of modular business functionality, since it is well within the skill to

ascertain that as business requirements evolve, one or more existing “add-on” business modules may no longer be required.

**4. Claims 14-15 are rejected under 35 USC 103(a) as being unpatentable over OrderManger (a collection of prior art describing OrderManger cited in Paper #3, PTO-892, Items: W-X).**

OrderManger teaches all the above as noted under the 102(b) rejection and teaches OrderManger providing user features to customize the “look and feel” of the web interface, but do not disclose specific customization features (e.g. logos, media, titles). It would have been obvious to one of ordinary skill at time of the invention to disclose customization features, since it is well within the skill to ascertain that logos, media, and color contribute to a web site’s “look and feel.”

**5. Claims 18-19 are rejected under 35 USC 103(a) as being unpatentable over OrderManger (a collection of prior art describing OrderManger cited in Paper #3, PTO-892, Items: W-X), in view of Tech Data (a collection of prior art describing Tech Data’s extranet, Paper #3, PTO-892, Items: U-V).**

**Site Builder Module**

OrderManger teaches all the above as noted under the 102(b) rejection and teaches a) conducting business up and down the supply chain using an extranet, b) implementing business module functionality, and c) providing a third-party front end (Item: X, page 8), but does not disclose a site builder module. Tech

Data teaches all the above as noted under the 103(a) rejection and teaches creating a web site for a reseller connected to Tech Data's extranet and providing the reseller's "look and feel" (e.g. reseller logo) (Item: U, see at least page 2). Therefore it would have been obvious to one of ordinary skill at time of the invention to modify the system of OrderManger to provide site builder functionality as taught by Tech Data, in order to assist partners in connecting to an extranet, and thereby increase sales revenue.

Second set of business modules

OrderManger and Tech Data teach all the above as noted under the 103(a) rejection and teach a site builder module to allow a partner to build a company-user approved web site, but do not disclose a second set of business modules. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose a second set of business modules, since it is well within the skill to ascertain that selling directly to end-users requires different business functionality (e.g. reseller's cost from distributor versus end-user's price from reseller).

- 6. Claims 36, 40, and 42 are rejected under 35 USC 103(a) as being unpatentable over OrderManager (a collection of prior art describing OrderManager cited in Paper #3, PTO-892, Items: W-X), in view of Gauthier et al. (Paper #3, PTO-892, Item: WW).**

OrderManger teaches all the above as noted under the 103(a) rejection and further teaches an application server that hosts OrderManager using Java object-

oriented programming (Item: W, see at least page 2; Item: X, see at least page 6, "Search Catalog", and page 8), but does not disclose specifics on storing object parameters to invoke a specific business module or instantiating an object. Gauthier et al. teach object-oriented programming fundamentals and issues pertaining to user-defined categories of domain object. Gauthier et al. further teach the concept of objects, instantiating objects, and passing and storing object parameters (Item: WW, see at least pages 1-2 and 7-8). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to disclose object parameter storing and instantiating objects as taught by Gauthier et al., in order to more clearly convey how business module functionality is invoked.

Pertaining to Claims 40 and 42

Method claims are rejected based on the same rationale as noted above.

**7. Claim 43 is rejected under 35 USC 103(a) as being unpatentable over OrderManger (a collection of prior art describing OrderManager cited in Paper #3, PTO-892, Items: W-X).**

OrderManger teaches all the above as noted under the 102(b) rejection and teaches HTML (Hypertext Markup Language) documents, but do not disclose receiving data in XML format. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose XML (Extensible Markup Language) format, since it is well within the skill to ascertain that use of the newer standard

(XML) provides greater flexibility in presenting and organizing information over the older HTML standard, and thereby attract customers to the service.

**8. Claims 47-70 are rejected under 35 USC 103(a) as being unpatentable over OrderManger (a collection of prior art describing OrderManger cited in Paper #3, PTO-892, Items: W-X), in view of Tech Data (a collection of prior art describing Tech Data's extranet, Paper #3, PTO-892, Items: U-V), further in view of Business Wire (Paper #3, PTO-892, Item: UU, hereinafter referred to as "BW").**

OrderManger teaches the OrderManger application server for extranet commerce that transforms traditional order processing into a complete electronic channel. OrderManger teaches linking supply chain partners, resellers, and customers (end-users) via an extranet to information in the company-user's back office systems (Item: X, page 6). OrderManger further teaches modular business functionality as noted below:

- Catalog module: (Item: X, page 8).
- Transact module: Order/account management (Item: X, page 8).
- Build module: Product configurator that helps users pick the right products to build a complementary grouping of inter-connected items (Item: W, page 2).
- Compare module: multi-vendor catalog and search (Item: W, page 2).

- Finance module: Order/Account management, Payment process (Item: X, page 8).
- Computer Readable Medium: OrderManager software executed on application server (please note examiner's interpretation: OrderManager software installed on the application server requires computer readable medium for execution (Item: X, page 8)).
- Electronic signals: (please note the examiner's interpretation: the OrderManager system diagram depicts top-level connectivity between the Internet and remote clients that conveys the transmission of information embodied in electronic signals) (Item: X, page 8).
- Displaying information: please note the examiner's interpretation: the application server serves web pages to the client machines to display information pertinent to the requested functionality.

OrderManger teaches all the above as noted under the 103(a) rejection and teaches business module functionality, but does not disclose other business module functionality. Tech Data teaches an Internet website that allows computer resellers to shop online and place orders using Tech Data's extranet (Item: U, see at least page 1). Tech Data further teaches:

- Assess functionality: determines product compatibility and picks system components for the reseller (Item: U, page 2).
- Promote functionality: provides promotions specific to the reseller (Item: U, page 2).

- Locate functionality: Brazil (Item: V, page 1).
- Site builder functionality: (Item: U, page 2).
- Loyalty functionality: reseller or customer-specific pricing and promotions (Item: U, page 2).
- Finance functionality: arranging a line of credit (Item: U, page 2).

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of OrderManger to implement additional business module functionality as taught by Tech Data, in order to attract resellers and end-users to the extranet service, and thereby increase sales.

OrderManger and Tech Data teach all the above as noted under the 103(a) rejection and teaches business module functionality, and resellers and customers conducting commerce over an extranet, but do not disclose sales lead business module functionality. BW teaches functionality designed to facilitate web-based sales, and further teaches automating the capture of sales leads and distributing sales leads via an extranet to resellers (Item: UU, see at least page 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of OrderManger and Tech Data to implement sales lead management as taught by BW, in order to efficiently distribute sales leads to resellers, and thereby increase sales.

Pertaining to Claims 63-65

Method claims are rejected based on the same rationale as noted above.

Pertaining to Claims 66-68

Computer readable medium claims are rejected based on the same rationale as noted above.

Pertaining to Claim 69

Signal claim is rejected based on the same rationale as noted above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6,185,587 (Bernardo et al.) 06 February 2001; teaches a system and method for building a web site with automated help; templates for modules, customization at the module level for look-and-feel, and supports the addition and removal of modules comprising a web site by using check boxes.
- US 6,629,135 (Ross, Jr. et al.) 30 September 2003; teaches individual storefront creation by one of a plurality of merchants participating in an

affiliate commerce relationship; each affiliate can have look-and-feel features separated for other affiliates.

- US 6,064,980 (Jacobi) 16 May 2000; teaches collaborative filtering for assessing needs and making personalized product recommendations.
- US 6,317,722 (Jacobi) 13 November 2001; teaches profiling to make recommendations to a customer based on a) the user's purchase history, including dates of purchase, (b) the user's item ratings profile (if any), (c) the current contents of the user's personal shopping cart(s), and (d) a listing of items that were recently (e.g., within the last six months) removed from the shopping cart(s) without being purchased ("recent shopping cart contents").
- US 6,128,603 (Dent et al.) 03 October 2000; teaches credit card charging in lieu of funds transfer.
- US 5,758,331 (Johnson) 26 May 1998; teaches a financing module to evaluate conservation scenarios for cost of utilities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 703-605-4253. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond  
Primary Examiner  
April 4, 2005